

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

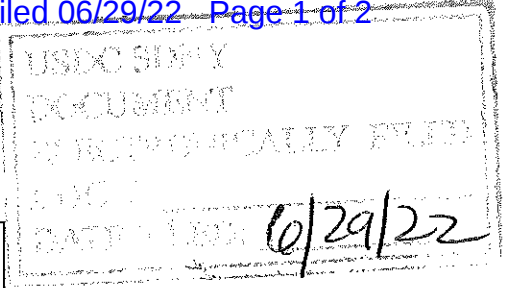
Miguel Martinez,

Petitioner,

- against -

Tomes, *Superintendent*

Respondent.



19 Civ. 7651 (KMK)(PED)

ORDER

PAUL E. DAVISON, U.S.M.J.:

On September 9, 2020, this Court entered an Order granting a stay of the instant petition pending the resolution of a § 440.10 motion that Petitioner Miguel Martinez filed in the trial court. The order specified that upon the resolution of Petitioner's § 440.10 motion, "Petitioner must move, within thirty (30) days, to lift the stay and reopen this case for further proceedings." [Dkt. 16.] Petitioner was warned that failure to do so could result in the Court vacating the stay *nunc pro tunc* as of the date the stay was entered and dismissing Petitioner's *habeas* petition. [Id.] Given the amount of time that has passed since the Order granting the stay, the parties are directed to advise the Court in writing by August 31, 2022 regarding the status of Petitioner's § 440.10 motion and whether the stay should be lifted.

Dated: June 29, 2022
White Plains, New York

A handwritten signature in black ink, appearing to be "Paul E. Davison", written over a horizontal line.

PAUL E. DAVISON, U.S.M.J.

A copy of this Order has been mailed to:

Miguel Martinez
DIN # 16A1392
Sing Sing Correctional Facility
354 Hunter Street
Ossining, NY 10562